

community knows what the needs are and how we can take care of our community. Thank you.

(Applause.)

AUDIENCE MEMBER: Hello. My name is Nadine Saliba. I'm here on behalf of the Arab-American community. The media plays a pivotal role in shaping public opinion and creating lasting images. Arabs and Arab-Americans have been the victims of more media vilification and stereotyping than perhaps any other national or ethnic group in recent U. S. history.

After the administration decided to wage its war on terrorism by attacking civil liberties at home through the Patriot Act, once again Arab-Americans were the principal victims becoming the most vulnerable, marginalized, maligned and demonized group in the United States. That all of the media in allowing this process to go unchecked and largely unexamined cannot be underestimated.

In a democracy a free press is supposed expose instances of abuse and misuse of power. Instead, the media has toed the government line when it comes to issues affecting Arab-Americans. It has echoed the administration's propaganda and has engaged in a degree of ultra censorship that is both shameful

and inexcusable in a free society. And things stand —

(Applause.)

And things stand to get worse with your project for media consolidation. The Bush administration would not have been able to so easily get away with waging a preemptive war, sending off young American soldiers to their death and causing the death of an untold number of Iraqis based on lies and false evidence, if it weren't for the collusion —

(Applause.)

— if it if it were — if it were not for the collusion of the pathetically weak media that failed the American people and failed our democracy when it chose not to interrogate the official discourse behind the war, and yes, things will get only worse with your project of media deregulation. Thank you.

(Applause.)

AUDIENCE MEMBER: My name is Loretta Van Copenhal (phonetic), and I'm a citizen of the United States, a country that will, I hope, be restored to democracy within the next year.

(Applause.)

Mr. Powell and those Commissioners who infamously voted last June 6th, for the wider opening

of our airwaves to the highest bidder, you have behaved reprehensibly.

(Applause.)

Your vote — your vote was not in the best interests of a free press and media. Your vote took place after more than a million letters from citizens like me implored you not to do it. You did not listen then, and you will probably not listen now.

(Applause.)

But I must speak out, just as my fellow citizens here are also speaking out. We do this because we must try. We cannot give up a sacred facet of our democracy willingly. The less you listen, the more you violate the trust of the American people, the more you spur reaction. You double speak, talking about localism when you mean just the opposite.

(Applause.)

You kneel before the gods of profit while you spout platitudes about civil discourse. The American people, no matter how little you listen and how little you care, will win in the end. We still have the vote. Never forget that.

(Applause.)

AUDIENCE MEMBER: Good evening. Welcome —

—  
(Audience interruption.)

My name is — good evening. Welcome to Texas. We hope that when you leave tonight you still think this is a friendly place. We are happy to have you here. My name is Gary Riding (phonetic) and I've come down from Dallas as a private citizen. I don't represent any particular group tonight other than perhaps — I speak on behalf of the basic unit of society, which is the family.

I am doing my best as a father to rear children of high moral standards, and I need your help to hold off the flood of pornography, profanity and violence that's surrounding them. I'm also a 39-year-old red-blooded American male, and this may come as a surprise to the media in our country, but I don't want to see the pornography, profanity and violence that is surrounding us.

(Applause.)

Please do all you can to help me by imposing maximum fines, strengthening regulations to turn back the erosion of the moral standard this country was built on. Thank you.

(Applause.)

AUDIENCE MEMBER: My name is David Martin. I'm a freelance journalist here in San Antonio, and I would like to thank Commissioner Adelstein and Commissioner Copps for doing their best to open up a dialogue about a very important issue, media ownership.

(Applause.)

And I would also like to point out that I kind of feel like a guest that was invited to a party after the big media already feasted at the public trough, and we are only left to eat — pick up the scraps from the table. And it's a little late once you already try to take the media ownership rules off the table to invite public input. But given that you have provided us this opportunity, I would like to point out another elephant in the room, which is that the principal beneficiaries of these pro concentration decisions by the FCC happened to be Bush administration political supporters.

This is the — in return for favorable coverage from big media, the FCC has now granted the big media what they want, which is more monopoly control of their media markets. For example, Univision, which the CEO of Univision is a Bush

pioneer, contributed over \$700,000 to the Bush campaign, was rewarded with the right to purchase Hispanic Broadcasting Company, thus expanding Univision's control of the Spanish language media market. Need I mention Murdoch, who has received numerous rewards from the FCC for his political support of the Bush administration.

The President of Fox News is Roger Ailes, former media strategist. I'm sure he would receive that job due to his journalistic ethics.

(Applause.)

I would just like to say media concentration is not in the public interest because democracy is the public interest.

(Applause.)

AUDIENCE MEMBER: Good evening, Chairman Powell, Commissioners, distinguished guests, ladies and gentlemen. My name is Gerry Trombolt (phonetic) and I am deaf. I represent the Self Help for Hard of Hearing People Chapter, San Antonio, as well as the thousands of deaf and hard-of-hearing persons living in our locality.

In July of 2002, this area of Texas experienced a terrible life-threatening flood. The

deaf and hard-of-hearing population soon discovered that San Antonio broadcasters did not have emergency weather captioning in place. We began an immediate war with phone calls, e-mails, text messaging and complaints to the FCC.

We sent in close to 200 formal complaint forms to your agency. We met with local television personalities and executives to explain what we needed. We find that, still, as of this date, full captioning, real time captioning, is not available for weather and other emergency news. We find that stations are reluctant to secure appropriate equipment and negotiate with providers to give us what the law has already mandated.

Let me emphasize, Mr. Chairman, Commissioners, that which you already know, to the rest of this audience, that Texas broadcasters refuse to recognize our right to equal access, the necessity of compliance and that they are flirting with danger every day. The result of this neglect on their part can and may result in senseless tragedy when a deaf or hard-of-hearing person loses his life because there was no captions. Please take our plea to heart — there are thousands of deaf and hard-of-hearing people in this

particular community who need, and without question deserve what is already in place in law. Hear us though we can't hear for ourselves and be the voice of humanity in the communications and broadcast world. Thank you.

(Applause.)

CHAIRMAN POWELL: We'll hear two more before the break.

(Spanish through interpreter.)

AUDIENCE MEMBER: My name is Viola Casares and I represent Fuerza Unida here in San Antonio.

(Applause.)

It's an organization that was formed in 1990 when we lost our jobs at the Levi plant here in San Antonio in 1990. And I'm here to speak for all the Mexican women who are workers and our voices are often not heard, are overlooked.

Fourteen years ago, we were in the news briefly, and now we're just a group of forgotten women.

All day in the news we hear nothing but crime and homicides and murder and mayhem, but we feel that our dignity has been robbed.

We believe that the hard work that Fuerza Unida does needs to be heard on the airwaves. Our



struggles need to be heard.

We're constantly losing jobs all the time. People are losing jobs and those of us who were with — who are with Fuerza Unida who lost our jobs before and who got new jobs and lost them again, little is being done. Nobody's — nobody's taking us into account.

This is a war in our communities, lack of jobs, and believe you me there is blood being shed because of it. And every day we're losing more and more jobs with this monster called globalization. And I just came here to say please don't forget about us humble women who give so much to our community. Do not forget us.

Please let's spread the good news about the good work that we do instead of always focusing on the bad and the negative. Thank you.

(Applause.)

CHAIRMAN POWELL: This will be the last one before our break —

AUDIENCE MEMBER: Good evening.

CHAIRMAN POWELL: — and then we'll have a second open-mic period at the end.

AUDIENCE MEMBER: Good evening. I'm

Charles Estes (phonetic) from Denton, Texas. Thank you, Commissioners for coming here to Texas to listen to us.

(Through interpreter.)

I'm also representing the deaf and hard-of-hearing people, 1.8 million strong in the State of Texas, almost one-tenth of the Texas population, and when we consider the fact that the older we become the more hearing loss we have, when you get to retirement age, about one-third of the population has a hearing loss of some kind. I submit that our needs are not being attended to very carefully or inadequately.

For example, at the set-up today, the deaf and hard-of-hearing people are grouped here in the front, the close captioning is way over there.

(Applause.)

It is not accessible. At 7:28 this evening when I was standing there in line, the captioning disappeared, for a good two minutes or more before it reappeared. That happens all the time on the local as well as the national broadcasting, captioning when it's absent from a critical part of local programming.

For example, if you turn on the television

at 7:00 in the morning, usually you get national programming. Every 15 or 30 minutes, the program reverts to local weather and news. It's ironic that that part is not captioned, and I know more about your weather in Washington, D.C., than I know in your snow and ice, and I know about the floods in Washington state, but I don't know anything about my own weather in Denton where I reside, which affects me.

Is my time up? [Unidentified voice:  
You're okay.]

And with that, captioning has regressed significantly over the years. We get a lot of garble. We get a lot of omission. We get a lot of, you know what that term is, money grains. There are times when, when I get the opposite message from the captioning that the broad -- broadcast actually delivers. Attention needs to be made to the quality of captioning. Thank you.

(Applause.)

CHAIRMAN POWELL: Thank you very much. In a minute we're going to take a break, but there's a little girl who's been waiting in line. It's past her bedtime, and we're going to let her come up and make the last comment before the break.

AUDIENCE MEMBER: Hello. My name is Patricia Bradbury, and this is my five-year-old daughter Ray Lee. Ray Lee was abducted by her babysitter in 1998, when she was only eight weeks old. Fortunately for us the Amber plan was soon alerted in the Dallas-Ft, Worth area — I'm sorry, I'm a little nervous — and in less than half an hour after the alert was made a motorist spotted the vehicle and reported it using his cell phone. Within minutes, the police — the police pulled her vehicle over and in doing so rescued my daughter.

This was the very first time the Amber Alert plan had ever been put into effect by the local radio and news media. Last year President Bush signed a bill into law which made Amber plan available nationwide. Ray Lee and I are here today to reinforce the fact that Amber plan works. We are among the lucky ones and are grateful to the radio and news networks, as well as law enforcement, for making sure that this is used both timely and successfully to ensure the safety of abducted children. Thank you for your time today.

(Applause.)

CHAIRMAN POWELL: We'll now take a ten-

minute break and start with our second panel.

(Recess.)

CHAIRMAN POWELL: Thank you. I think we're going to get started. We're really pressing for time so we are going to try to hasten things up so everyone gets an opportunity to speak and all the panelists get through their presentations.

We're just going to go right to the sec — to the second panel, and I'd like to introduce Ray Benson, Co-founder, guitarist-vocalist of the band Asleep at the Wheel. Take it away, Ray.

(Applause.)

MR. BENSON: This is a tough room. Thank you folks for coming in tonight. My name is Ray Benson. I'm a musician. I live in Austin, Texas.

(Applause.)

I hope we do better after the end of this speech. All right. I — I've been playing music here in Texas for over 35 years. I've recorded 29 albums. I produce records, I run a recording studio and that's just so you might believe what I have to say.

Mr. Chairman, the question of radio consolidation is very important to musicians. In the case of contemporary commercial music, and I want to

make a delineation between contemporary commercial music and the fact that there are oldies stations that play older music, there are genre stations that play older genre music. But certainly in the case of contemporary music, just as strip malls with national brand name retailers have homogenized the look and feel of large and small towns across America, so, in certain instances has radio done much the same thing to music in numerous formats in the mainstream radio. I recognize — hang on guys, we'll get there — I recognize that the desires of the American consumer are partially to blame for some of this. But ultimately, it seems very unfortunate that a lot of great music is not being heard.

When I started — when I started making records in the early 70's, things were a lot different. Stations had larger play lists, were sprinkled with records from independent small labels, from national independent labels and from regional labels. People got to hear a variety of music and regional stars were made all over the country.

These regional stars would take success in their region and would go from one city to the other built upon the other successes and then would break

into the big time. Numerous hit records were started in markets and nurtured there and grew to national hits. Today, because a single company owns so many stations, the access has been limited to four major record labels, a small handful of consultants and independent promoters.

The price of entry into this marketplace has become staggering. A ballpark figure for production and promotion of a single today is six to seven figures, over a million dollars in some cases depending on the genre. This money buys the production costs of the CD of course and videos. But it also is used as access to radio and video play in a number of ways, from favors unrelated to air play, such as free concerts for the stations, junkets for the people, and labels charge these marketing costs to the artist, and that's another story which I don't have time to get into now.

It is certain that with few exceptions, and I will say there are exceptions, music on the radio in San Antonio, Texas, and Cleveland, Ohio, is much the same today in the mainstream genres. The exception that was, was Tejano and Norteno and Conjunto music in south Texas.

"Was," I say, because at the time that this music was generating and germinating, there were independently owned stations, where artists could build a following, could build experience, become regional stars in the Southwest. Ruben Ramos, Emilio Navaira and Selena, who then later became one of the biggest stars of Tejano music ever. Without the access to stations at the grass roots level, this music would not have developed.

There is now talk in the Tejano community that the consolidation of their stations has been a problem for the music. Now, if this was another commodity, if this was groceries, we might shrug it off as business as usual. Certainly, grocery stores charge their people for product placement. But grocery stores are not the public airwaves. They belong to the people and are licensed in the public interest. We've heard that a lot today.

The — the practice of DJ's and people broadcasting from other cities to other cities, we've heard about that. You know, we can all get on the Internet and numerous other places and find out the national feed. Weather changes, you want to have somebody who can stick their hand out the window and



say: It's raining. The same thing with music, when you take centrally located players, local music cannot make it through the gate. Now, this is a problem because we want to have a variety of music. America has produced the most varied and commercially successful forms of music because of our regionality, because of our differences and because of our esthetic ability to express ourselves in different ways.

The — the problem now has been access. Now, is there a way to fix this? I think there's a number of ways, and I think it has already happened some. I don't want to jump on any one conglomerate. I don't want to say so-and-so does this and so-and-so does that, because it doesn't hold true. In Austin, Texas where I live, one of the largest conglomerates owns two radio — the radio stations rated number one and two in the market that plays regional local music, KVET. They do this to serve their audience. Austin, Texas is a very special place musically, and I have not seen this duplicated in other cities. It's part of the rich music scene in Texas that does that, but it results in a competitive advantage and a healthy bottom line in the long run.

To encourage this in other markets, we

must create an environment beneficial to the radio station owners as well as the music providers, whether the providers are billion dollar entities or independent companies. The playing field is hardly level today. The American public will find the music that they want. Jam bands have a huge following, a huge economic impact and do not have a voice in radio. Their people rely on other things. If that trend continues, what will happen to radio? We want radio. We need radio. We want radio to exist and be healthy and prosper so that the American public can enjoy the wide variety of music.

Canada is an interesting model. I don't know if some of you are familiar with the Canadian content law. They have a Canadian content law, which says — I can't remember — I think 30 percent of the music must be of Canadian content. This has been a breeding ground for incredible amounts of artists who've later on become huge artists in America and worldwide because they had a breeding ground.

You cannot — you cannot make this thing happen from a manufactured point of view. Corporate entities tend to believe that they can generate things on a level of — we made our numbers this quarter,

we're going to make our numbers this quarter, we need another Elvis right now. And you cannot do this out of thin air. If you want your Elvis, you gotta let him develop. You've got to let him come up through a system that allows accessibility to his music and experience in the marketplace. You have to try different things before you will find what works in the broader sense.

So, you know, what can I say? What can the FCC do? You know, you can help the stations to provide access. I am not a politician, you might have noticed. I don't have the solutions for you, but I know that if you come up with a solution that gives local talent access to the airwaves you will find a richer and a much better complement of music coming out of our country. The — the homogenized sound that comes — when people are playing something over and over again, they will accept it. How many of you have a song stuck in your head that you hated? It happens. Thank you. It happens. If you repeat something enough — I believe it was Adolph Hitler who said it — if you repeat something enough people will believe it. If you take —

(Applause.)

— if you take — if you take 18 or 20 records and play them over and over again people will learn to eat that kind of crap.

(Applause.)

I believe it's in the best interest of radio to have a varied and original music source to play. I believe in radio. I believe that these hearings are a great idea. I commend the Commission for holding these discussions year round. And I predict that you will hear similar comments from musicians all over the country.

Everybody else has raised incredibly valid points about their different aspects of how conglomeration has affected their special interest. You know, all parties need to be involved. This is not an adversarial relationship between radio and music. We like, need radio. Radio can be our best friend. Music and radio have enjoyed a great marriage for years and years. Media radio is and was responsible for the great spread of popular music in the 20th century. Without radio, coming out of the ether into the small farms and all the places that radio reaches, without having to charge the consumer of this directly, has meant more and more to enriching people's lives. Not

only that, in its diversity, it has created one of the greatest popular cultures in the history of mankind.

A lot of times I've said that the Berlin Wall was not taken down by bombs. It was taken down by music and blue jeans. And this is one of the greatest exports this country has — is our original music. How many times have you heard about great musicians who, underappreciated in America, went over to Europe to be appreciated?

(Applause.)

Radio is and was responsible for the great spread of popular music in the 20th century. Let's work together to make it just as powerful and enlightening and informing in the 21st century. Thank you very much.

(Applause.)

CHAIRMAN POWELL: Mr. Freeman.

MR. FREEMAN: Bon Jour, Bon Soir, Bon Soir, Monsieur Chairman. (French.) Good evening, Mr. Chairman and Members of the Commission.

My name is John Freeman. I'm the Chief Operation Officer for Southern Development Foundation founded by Father A. J. McKnight, who was active in the civil rights and cooperative movements. He solicited

me to design and build the first LPFM radio station in Opelousas, Louisiana. Opelousas is a community of approximately 20,000 citizens of which 65 percent are African-American.

I'm a retired network manager. From a pragmatic perspective, I have sufficient expertise to comment on information technologies and influences. Information technology is so enormously powerful and profound that we are changed by every encounter with its influences. Such encounter with IT is staggering. The dialogue I wish to discuss is not who or what entities will control that source of power, but rather how that powerful influence can be incorporated into our communities, allowing them to become a participator in this transforming evolution.

My reductionism concludes that broadcast localism is not apart from IT spectrum. I was disappointed to learn that limitations were placed on execution and expansion of LPFM licensing in our country. I implore the Commission to petition Congress to lift the restrictions on LPFM. The conclusive finding of the MITRE testing revealed that LPFM caused no interference to full power stations.

An additional downside to an expansion of

broadcast localism are the increasing amount of translators that have been used, that could be used for a low-power utilization, their channels in particular. Translators are repeaters run at two and a half times the power of the LPFM, and are technically identical to stations like KOCZ. However, they do not create any original programming. Additionally, the concentration of translators into the hands of a sophisticated few can harm any future attempts to provide purposeful broadcast localism.

Opelousas is the birthplace of Zydeco music. Zydeco music is a French, Cajun, Creole, and African influenced composition sung in Creole and English. The governor of Louisiana declared Opelousas the Zydeco capital of the world. Given all these recognition and culture significance, the full power stations could — would occasionally allow the music to be played only for a couple of hours on the weekends. I have personally experienced how difficult it was and possibly still is for the young unsophisticated recording artists to get their music or other programs played on full power stations in their community.

At KOCZ we develop programs we believe are in line with the values of our community. Our office

manager, Ms. Mona Kennerson's famous phrase, KOCZ is an originator not a duplicator. This statement implies that the existence of our LPFM station has measurably influenced the full power station localism initiatives. That observation has caused me to believe that LPFMs are the balance for broadcast localism influence into the IT world.

Finally, I support free market competitiveness and creativity. I believe also that it is the backbone of capitalism. Many in the free market believe we all should be competing on a level playing ground. But there are some in the free market who cry foul at any signs of competition, imploring the Commissioners like the FCC to spend our tax money on research that actually stifles competition and public access.

I suggest that their complaints be accompanied by scientific evaluations, at their own expense, and reserve our tax dollars for validated investigations. I also believe that the public has a right to be a participator and observer in this new wave of broadcast localism.

So I appeal to you, Mr. Chairman and members of the Commission, to allow our communities to



participate fully and locally in the creation of broadcast localism. Thank you for having this hearing.

(Applause.)

CHAIRMAN POWELL: Mr. Glade

MR. GLADE: Good evening. I'd like to welcome the members of the Commission and its staff to our fine city. My name is Tom Glade. I am the local market manager for the Clear Channel Radio stations in San Antonio. I want to thank you for the opportunity to address the issue of localism. There is no question that from 20,000 feet the concept of localism is something that we all agree is essential. But here on the ground in my world, localism is more than a concept, it's the way I operate my radio stations. And the reason couldn't be simpler. It's called the radio scan button. That one button is more powerful than most people know. It makes absolutely certain that we meet the needs of our local listeners every day in every way or they simply turn us off. Believe me that job is easier said than done. Because here on the ground the concept of localism isn't anywhere near as clear as it appears at 20,000 feet. It changes all the time in a city as dynamic as ours.

I believe the government's increased